IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC.APPLICATION No. 3909 of 2007

For Approval and Signature:

HONOURABLE MR.JUSTICE AKIL KURESHI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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ANANDKUMAR NEWASKAR HEAD - CIBD ICIC BANK - Applicant(s)
Versus
STATE OF GUJARAT - Respondent(s)

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Appearance :
MR TS NANAVATI for Applicant(s) : 1,
MR AY KOGJE APP for Respondent.

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CORAM : HONOURABLE MR.JUSTICE AKIL KURESHI

Date : 17/04/2007

ORAL JUDGMENT

Rule. Learned Additional Public Prosecutor Shri Kogje waives service of rule on behalf of the respondent.

2. Having heard learned advocate Shri T.S.Nanavati for the applicant and learned APP for the State, I find that the applicant has made out a good case for grant of anticipatory bail. Primarily, the complainant complaints of mis-operation of his account by the ICICI Bank in which the applicant is occupying a senior position. It is not in dispute that whatever the nature of such mis-operation, the complainant suffered no loss. More significantly the alleged offence took place on 20.5.2006 as per the complainant which was also known to the complainant at the relevant time but for which the present complaint came to be filed on 30th March, 2007. Considering these aspects of the matter, I find that the prayer for anticipatory bail is required to be granted. The above observations are only for consideration of this application and does not in any manner indicate my opinion on the allegations

levelled against the applicant.

3. In the result, it is directed that in the event of the applicant being arrested pursuant to the FIR No.I 187 of 2007 filed on 30th March, 2007 before the Ellisbridge Police station, Ahmedabad, he shall be released on bail on furnishing security of Rs.20,000/- with one surety of like amount on conditions that the applicant;

a) that the applicant shall cooperate with the investigation and make himself available for interrogation whenever required.

b) shall remain present before the police station on 23rd April, 2007 between 9 a.m. to 2 p.m.

c) shall not hamper the investigation in any manner nor shall induce, give threats or promise to any witness.

d) shall furnish his address to investigating officer and the concerned court.

e) will not leave India without the permission of the Court and if he is holding a passport, shall surrender the same before the trial court within one week.

f) this order will be operative for a period of 90 days from today.

g) within a period of 10 days from the date of the arrest, the applicant shall apply for regular bail which application shall be decided by the competent court in accordance with law.

4. With these directions, the Criminal Misc. Application is disposed of. Rule is made absolute accordingly.

Direct service is permitted.

[AKIL KURESHI, J.]

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